

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EMMANUEL EVARISTE,
Plaintiff,

v.

MASSACHUSETTS PROBATION SERVICE)
and P.O. GORDON DIMBROSIO,)
Defendants.)

Civil Action No.
18-12596-NMG

ORDER

GORTON, J.

On December 17, 2018, Emmanuel Evariste, proceeding pro se, initiated this civil action seeking to hold the defendants liable for alleged negligence and violations of his constitutional rights. See Docket No. 1. Since that time, Evariste was provided several opportunities to seek leave to proceed in forma pauperis and to file an amended complaint that states a cognizable claim. See Docket.

By Memorandum and Order dated June 11, 2019, the Court granted Evariste's motion for leave to proceed in forma pauperis. See Docket No. 37. Evariste was advised that his amended complaint is subject to dismissal pursuant to 28 U.S.C. § 1915(e)(2). Id. The Order stated that any claims that stem from Evariste's probation revocation are subject to dismissal because they are barred by the favorable termination rule of Heck v. Humphrey, 512 U.S. 477 (1994). Id. The Order also

stated that the amended complaint failed to allege that any deprivation of Evariste's rights was attributable to a policy or custom of the City of Boston. Id. If Evariste wished to proceed with this action, he was granted 21 days to file an amended complaint. Id.

To date, the plaintiff has not responded to the Court's Memorandum and Order and the time to do so has expired.

Based upon the foregoing, and in accordance with the Court's Memorandum and Order dated June 11, 2019, this action is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2). The clerk shall enter a final order of dismissal.

So ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated: September 9, 2019